

**Remark**

Applicants respectfully request reconsideration of this application as amended. Claims 1, 2, 3, 4, 11, 12, 15, 19, 20, 23-25, 31, and 37 have been amended. No Claims have been cancelled. Therefore, claims 1-38 are present for examination.

**35 U.S.C. §102 Rejection***Davidson et al.*

The Examiner has rejected claims 1, 2, 8, 11, 12, 14, 15, 18, 19, 22 -26 and 37 under 35 U.S.C. §102 (b) as being anticipated by Davidson et al., U.S. Patent No. 5,632,003 ("Davidson"). Davidson shows an audio encoder intended to reduce the amount of information required to transmit audio without perceptibly reducing its quality.

The Examiner refers to several sections as anticipating the claims where they refer to lowering the power spectral density (PSD) of an encoded word. Claim 1, for example, suggests that the PSD of the encoded word is to be lower than the PSD of the original unencoded data word across a specific frequency band.

The abstract of Davidson does not refer to encoding to lower the PSD but to using the PSD to determine a masking function to be applied to the word. 1:11-2:19 is the background of Davidson and it describes several different approaches. It discusses information capacity, quantization noise, and various split-band techniques. However, Applicants find no mention of PSD. 8:48-8:56 describes a split-band encoder but Applicants find no mention of how the encoded words affect PSD. Accordingly, Applicants respectfully submit that this element of the claim is not anticipated by the reference.

The Examiner refers to 2:48-2:56 as showing a data transmission bus with a clock frequency selected based on the specific frequency band of the first element. This section mentions that quantized information may be assembled into a form suitable for transmission, but Applicants find no mention of any clock frequency for that transmission. Accordingly, Applicants respectfully submit that this element of the claim is not anticipated by the reference.

The Examiner refers to two sections as anticipating the third element of the claim which refers to decoding a received encoded data word. 2:57-2:62 mentions a decoder in a very general sense, but 8:21-8:65 does not seem to describe a decoder at all. There is in these sections no suggestion to decode a signal encoded as recited in the claim, nor any suggestion of the first two elements of the claim. Accordingly, the rejection based on Davidson is respectfully believed to be traversed.

Notwithstanding the allowability of the originally-filed claims. The independent claims of the present application have been amended in an effort to expedite prosecution. The "specific frequency band" recitations in the claim have been clarified and related more closely to the other terms.

### 35 U.S.C. §103 Rejection

*Davidson et al., in view of Patel et al.*

The Examiner has rejected claims 3, 4, 12, 16, 20, 27, 28 and 38 under 35 U.S.C. §103 (a) as being unpatentable over Davidson, and in further view of Patel, U.S. Patent No. 5,525,983 ("Patel"). This rejection relies upon the rejection based on Davidson mentioned above, and accordingly is also believed to be traversed.

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**Allowable Subject Matter**

Claims 5-7, 9, 10, 13, 17, 21, 29, and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any interviewing claims. Applicants thank the Examiner for the indication of allowable subject matter. These claims remain in the application.

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**Conclusion**

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

**Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.


**Request for an Extension of Time**

Applicants respectfully petition for a One Month extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a). Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension. Charge our Deposit Account.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Gordon R. Lindeen III  
Reg. No. 33,192

12400 Wilshire Boulevard  
7th Floor  
Los Angeles, California 90025-1030  
(303) 740-1980

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